

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-----x **MEMORANDUM AND ORDER**

Case No. 10-CR-0267 (FB)

-against-

GARY McINTOSH,

Defendant.

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Appearances:

For the Government:

LORETTA LYNCH, ESQ.
United States Attorney
Eastern District of New York
BY: RICHARD M. TUCKER, ESQ.
Assistant United States Attorney
271 Cadman Plaza East
Brooklyn, NY 11201

For the Defendant:

GARY McINTOSH, *pro se*
8754 17th Avenue
Apartment D2
Brooklyn, NY 11214

BLOCK, Senior District Judge:

On April 29, 2011, this Court sentenced Defendant Gary McIntosh ("McIntosh") to an 18-month term of imprisonment following his conviction of three separate federal offenses. As of that date, McIntosh also had an undischarged state sentence of one-to-three years following his conviction of unrelated state crimes. McIntosh then filed a motion pursuant to Rule 35(a) of the Federal Rules of Criminal Procedure seeking to modify his federal sentence and obtain an order that his federal and state sentences run concurrent with one another. The Court denies the motion as moot because McIntosh has completed both his 18-month federal prison term and unrelated state sentence,¹ and is currently on federal

¹New York Department of Corrections and Community Supervision records indicate that McIntosh served approximately one-year of the state sentence and was released on parole in July 2012.

supervised release.

SO ORDERED.

FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
January 18, 2013